

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MASAKO MORISHITA,
715 6th Street NW, Apt 302
Washington, D.C. 20001

Plaintiff,

v.

WHISTLER, LLC,
d/b/a MOMO YAKITORI
2214 Rhode Island Avenue, N.E.
Washington, D.C. 20018

Serve:

Andrew James Chiou
2214 Rhode Island Avenue, N.E.
Washington, D.C. 20018

ANDREW JAMES CHIOU,
1215 11th Street, N.W., Number 1
Washington, D.C. 20001

Serve:

Andrew James Chiou
2214 Rhode Island Avenue, N.E.
Washington, D.C. 20018

Defendants.

Case No. 1:19-cv-1266

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

Plaintiff, MASAKO MORISHITA (hereinafter “Ms. Morishita” or “Plaintiff”) by and through counsel, Eric L. Siegel of Kalbian Hagerty, LLP, and hereby brings this action against WHISTLER, LLC d/b/a Momo Yakitori (hereinafter “Employer”) and ANDREW JAMES CHIOU (hereinafter “Defendant Chiou”) (hereinafter collectively referred to as “Defendants”) to recover for unpaid wages and damages under the Fair Labor Standards Act of 1938, as amended

(the “FLSA”), 29 U.S.C. § 201 *et seq.*, the District of Columbia Collection and Payment of Wages Law (“DCCPWL”), D.C. Code § 32-1301 *et seq.*, the District of Columbia Minimum Wages Law (“DCMWL”), D.C. Code § 32-1001 *et seq.*, and for unjust enrichment, and for cause states:

JURISDICTION AND VENUE

1. This Court has federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 216(b).
2. This Court has supplemental jurisdiction over Plaintiff’s state law collection and payment of wages claim and minimum wage law claim pursuant to 28 U.S.C. § 1367(a) because those claims arise from a common set of operative facts and are so related to the claims in the action within the original jurisdiction of this Court that they form part of the same case or controversy.
3. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to Plaintiff’s claims occurred in the District of Columbia.

PARTIES

4. Plaintiff Masako Morishita resides at 715 6th Street NW, Apt 302, Washington, D.C. 20001 and worked at all relevant times for Defendants, Whistler, LLC and Chiou, at their principal place of business located at 2214 Rhode Island Avenue, N.E., Washington, D.C. 20018.
5. Defendant Whistler, LLC is a District of Columbia limited liability company and operates as a restaurant business that is in good standing, with its premises located at 2214 Rhode Island Avenue, N.E., Washington, D.C. 20018.
6. Defendant Andrew James Chiou resides at 1215 11th Street, N.W., Number 1, Washington, D.C. 20001 and serves as President and owner of Whistler, LLC. At all relevant times, he

and Defendant Whistler, LLC were Plaintiff's employer.

7. From January 21, 2018 to January 20, 2019, Defendants employed the Plaintiff, and, at all times relevant to this action, condoned, ratified, authorized, and/or engaged in the customs, practices, policies, and wrongful acts described in this Complaint through their agents and/or employees.
8. At all times relevant to this action, the Defendants were responsible for keeping and maintaining all employment records relating to Plaintiff or caused such records to be kept or maintained.
9. At all times relevant to this action, one or both of the Defendants were engaged in commerce within the meaning of the FLSA by providing Japanese restaurant services to patrons in the District of Columbia.
10. At all times relevant to this action, one or both of the Defendants were "employers" within the meaning of the FLSA, the DCMWL and the DCCPWL.
11. At all times relevant to this action, Plaintiff was an "employee" within the meaning of the FLSA, the DCMWL and the DCCPWL and was not exempt from the FLSA's maximum hour provisions.
12. At all times relevant to this action, one or both of the Defendants "employed" Plaintiff within the meaning of the FLSA.
13. At all times relevant to this action, one or both of the Defendants were aware that they were legally required to pay Plaintiff the federal and District of Columbia minimum wages for all hours worked.

STATEMENT OF FACTS

14. Throughout 2017, Plaintiff Masako Morishita and Defendant Chiou planned and engaged in various tasks to open and operate Momo Yakitori restaurant in Northeast Washington, D.C.
15. Thereafter, Ms. Morishita was hired by the Defendants on or about January 20, 2018 to serve as its cook, cashier, and waiter and to perform other tasks within the restaurant, whether assigned or not, to grow the restaurant from its inception through January 2019.
16. Ms. Morishita performed her restaurant duties day in and day out, performing whatever tasks were required to service customers and grow the business. She worked in the Momo Yakitori restaurant from January 21, 2018 through January 20, 2019, when her relationship with Defendant Chiou and the restaurant was terminated.
17. While she was not required to keep track of her hours because the Employer did not keep time records, in violation of D.C. law, she did so through Uber receipts and other documents. Ms. Morishita typically worked between 5 to 10 hours per day, 6 days per week during the time that she worked for the Employer.
18. Ms. Morishita worked many overtime hours over 40 hours per week to assist Defendant Chiou in growing the restaurant business and serving customers.
19. From January 21, 2018 through January 20, 2019, Defendants failed to pay Ms. Morishita for her hours worked, whether regular or overtime, as well as minimum wages under D.C. law. Specifically, Defendants failed to pay Ms. Morishita \$12.50/hour for the period from January 21, 2018 through June 30, 2018 and \$13.25/hour for the period from July 1, 2018 through January 20, 2019, for a total of \$20,615.89 in minimum wages owed under District of Columbia and federal law.

20. In addition, Defendants agreed to reimburse Ms. Morishita for her transportation costs to and from the restaurant from her residence, given her vital role as a trusted worker to help get the restaurant running and operating to full capacity. Those transportation expenses amounted to \$3,029.62.
21. For the period from January 21, 2018 through January 20, 2018, Ms. Morishita was not paid *any* wages in exchange for her work performance, let alone minimum wages under federal and District of Columbia law.
22. Despite multiple requests, including later requests by her legal counsel, the Defendants never paid the wages owed to Ms. Morishita.
23. At all times relevant to this action, the Defendants were responsible for keeping and maintaining all employment records relating to Ms. Morishita or cause such records to be kept or maintained.
24. Upon information and belief, the Defendants have failed to keep contemporaneous, accurate time records for Ms. Morishita's work hours, pursuant to the requirements of the FLSA.
25. Defendant Chiou has recently asserted in April 2019 as an alleged offset to the wages owed to Ms. Morishita that he provided "consulting", "culinary", "event" and "event management" services to help her start and grow a catering business.
26. Defendant Chiou alleges that those services referenced in paragraph 25 were performed during the period from January 20, 2016 and August 22, 2017.
27. At no time prior to April 2019 did Defendant Chiou ever state to Ms. Morishita, either orally or in writing, that he was charging her for services referenced in Paragraph 25 above.

28. Moreover, upon information and belief, some of the alleged services performed by Mr. Chiou referenced in Paragraph 25 above were paid directly by the given client. Accordingly, Ms. Morishita would not be required to also pay Mr. Chiou for such alleged services.
29. At no time prior to April 2019 did Defendant Chiou ever present Ms. Morishita with invoices for services referenced in Paragraph 25 above.
30. Defendant Chiou did not create and/or prepare any invoices for services referenced in Paragraph 25 above contemporaneous with providing those alleged services.
31. Upon information and belief, Defendant Chiou created and/or prepared invoices for services referenced in Paragraph 25 in or around April 2019.
32. In addition, Ms. Morishita purchased groceries and other supplies and items for the benefit of the restaurant and Defendants based on Mr. Chiou's promise that he or Defendant Whistler, LLC would pay her back.
33. In all, Ms. Morishita spent \$1,055.39 for such groceries, supplies and other items for the benefit of the restaurant.
34. Contrary to his promises, Defendants never paid Ms. Morishita back the \$1,055.39 she spent for the benefit of the restaurant operations.
35. All conditions precedent for the filing of this lawsuit have been satisfied.

COUNT I
FLSA MINIMUM WAGE VIOLATION

36. Plaintiff realleges and incorporates by reference paragraphs 1 through 35 as if fully set forth herein.
37. Each of the Defendants is an "employer" within the scope of the FLSA.

- 38. Plaintiff was the Defendants' "employee" within the meaning of the FLSA.
- 39. Plaintiff was a "non-exempt" employee of the Defendants within the meaning of the FLSA.
- 40. At all relevant times, the FLSA required the Defendants to pay Plaintiff at least the minimum wage per hour during her employment in an amount of \$20,615.89.
- 41. The Defendants violated the FLSA by knowingly failing to pay Plaintiff at least the minimum wage per hour, in violation of 29 U.S.C. § 206(a)(1)(C).
- 42. The Defendants' violations of the FLSA's minimum wage requirements were repeated, willful, and intentional.
- 43. The Defendants are liable to Plaintiff for, among other damages, her unpaid minimum wages, liquidated damages, and costs and reasonable attorneys' fees incurred in the maintenance of this action pursuant to 29 U.S.C. § 216(b).

COUNT II
VIOLATION OF THE DCMWL

- 44. Plaintiff realleges and incorporates by reference paragraphs 1 through 43 as if fully set forth herein.
- 45. Each of the Defendants is an "employer" within the meaning of the DCMWL.
- 46. An employer shall pay each employee at least a minimum wage specified in the statute for hours of work performed, and failure to do so is a violation of D.C. law. D.C. Code § 32-1010(a)(1).
- 47. Ms. Morishita worked for Defendants from January 21, 2018 through January 20, 2019, when her employment was abruptly terminated.
- 48. Failure to pay Ms. Morishita all of her wages owed subjects the Employer to payment of the minimum wages owed and mandatory treble damages, absent a showing of good faith.

D.C. Code § 32-1012(b)(1).

49. Ms. Morishita is owed \$20,615.89 in unpaid minimum wages for the period from January 21, 2018 through January 20, 2019.
50. Ms. Morishita is entitled to liquidated damages (treble damages) in the amount of \$61,847.67 for Defendant's failure to pay the minimum wages owed.
51. Defendants did not act in good faith by failing to pay Ms. Morishita minimum wages owed and did not have reasonable grounds that its failure to pay was not a violation of the statute.
52. Defendants have violated the minimum wages statute by not posting the required postings in the workplace pertaining to payment of minimum wages under District of Columbia law.
53. Defendants have violated the minimum wages statute by not keeping proper wage and hour records as required by District of Columbia law.
54. Defendants' violations for failing to post and keep proper wage and hour records subjects Defendants to penalties including fines and/or imprisonment.
55. Ms. Morishita is entitled to be paid all reasonable attorneys' fees, interest and costs that she has incurred, and must incur going forward, to vindicate her rights under the statute.

COUNT III
VIOLATION OF THE DCCWPL

56. Plaintiff realleges and incorporates by reference paragraphs 1 through 55 as if fully set forth herein.
57. Each of the Defendants is an "employer" within the meaning of the DCCPWL.
58. "An employer *shall* pay all wages earned to his or her employees on regular paydays designated in advance by the employer and at least twice during each calendar month," with the exception of administrative staff, such as an office manager, who may be paid

once per month.” D.C. Code § 32-1302 (emphasis added).

59. D.C. law also provides that upon the termination of an employee’s employment, she must be paid all wages owed within four (4) days of her separation date. D.C. Code §32-1303(1).
60. Defendant owes Plaintiff wages in the total amount of \$20,615.89.
61. Failure to pay Ms. Morishita all of her wages owed subjects the Employer to mandatory treble damages. D.C. Code § 32-1303(4).
62. Under the DCCWPL, Defendants’ failure to pay Plaintiff her wages owed requires that Defendants pay treble damages in the amount of \$61,847.67.
63. In addition to damages owed, the District of Columbia issues statutory penalties for violations of the law. Given that Ms. Morishita has previously demanded payment of the wages owed to her, and Defendants have willfully either refused or ignored her requests, Defendants are subject to penalties for multiple violations in the amount of \$10,000.00 or imprisonment for not more than ninety (90) days. D.C. Code § 32-1307(a)(2).
64. Ms. Morishita is entitled to be paid all reasonable attorneys’ fees and costs that she has incurred, and must incur going forward, to vindicate her rights under the statute, and it is mandatory. D.C. Code § 32-1308(a)(1)(A).
65. The DCCWPL expressly provides that Ms. Morishita may pursue attorney fees “computed pursuant to the matrix approved in *Salazar v. District of Columbia*, 123 F.Supp.2d 8 (D.D.C. 2000) and updated to account for the current market hourly rates for attorney’s services. The court shall use the rates in effect at the time the determination is made.” D.C. Code § 32-1308(b)(1).
66. The attorneys’ fees which Ms. Morishita may pursue as part of her relief also include the fees associated with pursuing collection of any judgment received in Ms. Morishita’s favor.

COUNT IV
UNJUST ENRICHMENT

67. Plaintiff realleges and incorporates by reference paragraphs 1 through 64 as if fully set forth herein.
68. Unjust enrichment occurs when (1) a plaintiff conferred a benefit on a defendant, (2) the defendant retained the benefit, and (3) under the circumstances, the defendant's retention of the benefit is unjust.
69. Plaintiff conferred a benefit on Defendants by paying \$1,055.39 for supplies, groceries and other items for the restaurant during the time that she either worked there or assisted in pursuing the concept for, and growing, the restaurant business.
70. In addition, by traveling to and working in the restaurant, Ms. Morishita conferred a benefit on Defendants by paying \$3,029.62 in transportation expenses to and from the restaurant from her residence.
71. Defendants promised to reimburse Ms. Morishita for those transportation expenses.
72. Defendants, or either of them, retained the benefits of Ms. Morishita's expenditures.
73. Under the circumstances, Defendants' retention of the benefit is unjust.
74. As a result of Defendants' unjust enrichment, Plaintiff has suffered damages in the amount of \$1,055.39 and \$3,029.62, respectively, requiring that Defendants disgorge and pay those expenditures back to Ms. Morishita.

PRAYER FOR RELIEF

WHEREFORE Plaintiff respectfully requests that this Court:

- A. Declare the Defendants' conduct to be a violation of the FLSA, the DCWML and the DCCWPL;

- B. Declare Defendants to have been unjustly enriched by benefits conferred by Plaintiff;
- C. Enjoin the Defendants to comply with all applicable federal and District of Columbia wage laws;
- D. Award to Plaintiff her unpaid minimum and overtime wages plus liquidated damages under FLSA;
- E. Award to Plaintiff her unpaid minimum wages plus treble damages under District of Columbia law;
- F. Award to Plaintiff her unpaid wages plus treble damages under District of Columbia law;
- G. Award Plaintiff \$1,055.39 and \$3,029.62, respectively, for Defendants' unjust enrichment;
- H. Award to Plaintiff her costs and reasonable attorneys' fees incurred in this action;
- I. Award Plaintiff prejudgment and post-judgment interest as permitted by law; and
- J. Grant such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury.

Dated: May 1, 2019

Respectfully submitted,

KALBIAN HAGERTY, LLP

By /s/ Eric L. Siegel
Eric L. Siegel
Bar No. 427350
888 17th Street, N.W., Suite 1000
Washington, D.C. 20006
(202) 419-3296
esiegel@kalbianhagerty.com

Attorney for Plaintiff Masako Morishita

CIVIL COVER SHEET

JS-44 (Rev. 6/17 DC)

I. (a) PLAINTIFFS MASAKO MORISHITA (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>11001</u> (EXCEPT IN U.S. PLAINTIFF CASES)	DEFENDANTS WHISTER, LLC and ANDREW JAMES CHIOU COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>11001</u> (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small>
(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Eric L. Siegel Kalbian Hagerty, LLP, 888 17th Street, NW, Suite 1000, Washington, DC 20006; Tel: (202) 223-5600	ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY) <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> <input type="radio"/> 1 U.S. Government Plaintiff </div> <div style="width: 48%;"> <input checked="" type="radio"/> 3 Federal Question (U.S. Government Not a Party) </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> <input type="radio"/> 2 U.S. Government Defendant </div> <div style="width: 48%;"> <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III) </div> </div>	III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY! <table style="width: 100%; border: none;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<input checked="" type="radio"/> A. Antitrust <input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> B. Personal Injury/Malpractice <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="checkbox"/> C. Administrative Agency Review <input type="checkbox"/> 151 Medicare Act <u>Social Security</u> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="checkbox"/> D. Temporary Restraining Order/Preliminary Injunction Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)*
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<input checked="" type="radio"/> E. General Civil (Other)	<input type="radio"/> F. Pro Se General Civil
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<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent – Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 <u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)
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<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify)
 ☐ 6 Multi-district Litigation
 ☐ 7 Appeal to District Judge from Mag. Judge
 ☐ 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 29 U.S.C. Section 201 et seq. Suit for unpaid minimum wages, unpaid wages and unjust enrichment.

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ 150000	Check YES only if demanded in complaint JURY DEMAND: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input type="checkbox"/>	If yes, please complete related case form
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DATE: May 1, 2019	SIGNATURE OF ATTORNEY OF RECORD: /s/ Eric L. Siegel
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

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)
)
)
)
)
)
)
)
)
)

Civil Action No. _____

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

)
)
)
)
)
)
)
)
)
)
)

Civil Action No. _____

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: